

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

v.

21-CR-31-A

JOSEPH BELLA

Defendant.

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**NOTICE OF MOTION AND MOTION TO  
SET A DATE FOR TRIAL**

**PLEASE TAKE NOTICE** that the United States of America, by its attorneys, James P. Kennedy, Jr., United States Attorney for the Western District of New York, and Nicholas T. Cooper, Assistant United States Attorney, of counsel, hereby moves this Court to set a date for trial in this action, such motion to be heard by the United States District Court for the Western District of New York, United States Courthouse 2 Niagara Square, Buffalo, New York, at a date and time to be determined by the Court.

DATED: Buffalo, New York, May 13, 2021.

JAMES P. KENNEDY, JR.  
United States Attorney

BY: s/NICHOLAS T. COOPER  
Assistant United States Attorney  
United States Attorney's Office  
Western District of New York  
138 Delaware Avenue  
Buffalo, New York 14202  
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Defendants.

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**AFFIDAVIT**

STATE OF NEW YORK    )  
COUNTY OF ERIE        )    SS:  
CITY OF BUFFALO        )

**NICHOLAS T. COOPER**, being duly sworn, deposes and states:

1. I am an Assistant United States Attorney for the Western District of New York assigned to the prosecution of the above-referenced case. This affidavit is submitted in support of the government's motion to set a date for trial in this action.

2. On March 9, 2021, the Magistrate Court issued a Scheduling Order dictating that the Defendant's motions were to be submitted by May 7, 2021. To date, no motions have been filed by the defendant.

3. It is respectfully requested that a date for trial be set by the District Court in this action in order to properly monitor the case and ensure a reasonably prompt trial. Further, "[p]ursuant to the Sixth Amendment, the court and the government owe an affirmative

obligation to criminal defendants and to the public to bring matters to trial promptly.” United States v. Black, 918 F.3d 243 at 253 (2d Cir. 2019). Indeed, “the government . . . owe[s] the additional duty of monitoring the case and pressing the court for a reasonably prompt trial.” Id.

4. Accordingly, the government requests that this Court schedule a status conference for the purpose of consulting with counsel for the defendant and the attorney for the government, and setting the case for trial on a day certain.

s/NICHOLAS T. COOPER  
Assistant United States Attorney  
United States Attorney's Office  
Western District of New York  
138 Delaware Avenue  
Buffalo, New York 14202  
716/843-5830  
Nicholas.Cooper@usdoj.gov

Subscribed and sworn to before me

this 13<sup>th</sup> day of May, 2021.

s/ELIZABETH M. HARF  
COMMISSIONER OF DEEDS  
In And For The City Of Buffalo, N.Y.  
My Commission Expires Dec. 31, 2022.